

ESTTA Tracking number: **ESTTA475660**

Filing date: **05/31/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Downright Healthy Foods L.P.		
Entity	Limited Partnership	Citizenship	CANADA
Address	555 Steeprock Drive Toronto, ONT M5H 3Y2 CANADA		

Attorney information	Maria Johnson De Novo Legal PC 2244 Faraday Ave Suite 103 Carlsbad, CA 92008 UNITED STATES maria@denovopc.com, tim@denovopc.com Phone:(760) 431 8707
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Applicant Information

Application No	77136731	Publication date	05/01/2012
Opposition Filing Date	05/31/2012	Opposition Period Ends	05/31/2012
Applicant	Television Food Network, G.P. 1180 Avenue of the Americas New York, NY 10036 UNITED STATES		

Goods/Services Affected by Opposition


Class 041. All goods and services in the class are opposed, namely: Entertainment services in the nature of an on-going program in the fields of travel and food, broadcast over television, via satellite, and through other audiovisual media
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Grounds for Opposition


Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
The mark is merely descriptive	Trademark Act section 2(e)(1)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3765793	Application Date	01/22/2007
Registration Date	03/30/2010	Foreign Priority	01/12/2007

		Date	
Word Mark	JOE'S TASTY TRAVELS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 029. First use:</p> <p>dairy based beverages; edible nuts, namely, candied nuts, shelled nuts, roasted nuts and processed nuts; processed salted, unsalted and flavored nuts; processed edible seeds; processed pumpkin and sunflower seeds; dried fruit, dried fruit mixes, dried fruit and nut mixes, and fruit chips; trail mixes containing dried fruits, seeds and nuts; preserved fruits; sugared fruits, namely, crystallized fruit and candied fruits; dried prunes, dates, raisins and coconut; glazed fruits, glazed cherries, jams and jellies; soup mixes; condiments, namely, pepper oil; sauces, namely, cranberry sauce; spreads, namely, cheese spreads, fruit-based spreads, vegetable-based spreads, meat-based spreads, garlic-based spreads, hummus; dips, namely, bean dip, dairy-based dip, and snack dip; snack foods, namely, potato chips; baking goods, namely, fruit-based fillings for cakes and pies; unflavored and unsweetened gelatins; frozen entrees consisting primarily of meat, fish, poultry or vegetables; frozen vegetarian entrees consisting primarily of vegetable-based entrees; frozen fruits and vegetables; prepared foods, namely, prepared vegetarian entrees consisting primarily of vegetable-based entrees, prepared entrees consisting primarily of fish, meat, poultry or vegetables; canned goods, namely, canned vegetables, canned fish, canned fruit, and canned cooked meat; edible oils for human consumption; dried lentils; pulses; pickled fruits and vegetables; peanut butter and nut butters; soy-based foods, namely, soy-based chips, soy-based food bars, soy-based snack food; bouillon cubes; fruit based snack food; potato chips; processed nuts, namely, salted, unsalted and flavored nuts</p> <p>Class 030. First use:</p> <p>Tea-based beverages with fruit flavoring; coffee, coffee beans; coffee, espresso and cappuccino mixes containing coffee powder; loose and bagged black, green and herbal teas; chocolate covered nuts; confectionery, namely, chocolate and candy; spices and seasonings; condiments, namely, pepper sauce, ketchup, mustard, mayonnaise, relish; sauces, namely, chili sauce, hot sauce, dipping sauces, barbeque sauces, pizza sauce, fish sauce, tomato sauce, teriyaki sauce, soy sauce, tamari sauce, tartar sauce, steak sauce, and ready-made sauces; vinegar, salsa; uncooked pasta and noodles, including egg noodles; salad dressings; spreads, namely, cocoa spreads and spreads containing chocolate and nuts; snack foods, namely, puffed corn snacks, sesame sticks, crackers, wafers, cheese flavored puffs, corn-based snacks, pretzels, cookies, biscuits, tortilla chips and corn chips; croutons; baking goods, namely, cake mixes, muffin mixes, brownie mixes, pastry mixes, chocolate chips, peanut butter confectionery chips, candy mints, baking powder, baking soda, crust mixes for pies, fruit jelly powders, graham cracker crumbs, corn starch, vanilla extracts used as a flavoring, yeast, cocoa powder, flours, and white, brown and raw sugar and sugar substitutes; baking goods, namely, candy cake</p>		

	<p>decorations; syrups, namely, corn syrups, maple syrups, pancake syrups, table syrups, topping syrups, molasses, flavoring syrups, chocolate syrups; extracts, namely, natural and artificial extracts used as a flavoring; flavored and sweetened gelatins; marshmallows; popped and popping corn of various flavors, microwaveable popcorn, seasonings for popcorn; frozen entrees consisting primarily of pasta or rice; processed grains; processed cereals; rolled oats and oatmeal; wheat germ; rice; peanut brittle; honey; bread crumbs and graham crumbs; ready to eat cereals; cereal derived food bars; gravy mixes and bases; cereal based snack food; wheat based snack food; rice based snack food</p> <p>Class 031. First use:</p> <p>Edible nuts, namely, fresh nuts, raw nuts and unprocessed nuts; unprocessed edible seeds; unprocessed grains; unprocessed cereals; fresh lentils</p> <p>Class 032. First use:</p> <p>Non-alcoholic beverages, namely, carbonated beverages, beverages containing fruit juice, low calorie soft drinks, non-alcoholic beverages with tea flavor, fruit juices, fruit drinks, vegetable juices, vegetable drinks, fruit and vegetable juices, fruit and vegetable drinks; beverage powders and crystals, namely, used in the preparation of fruit drinks; colas; sodas in the nature of soda water, and flavored soda water; carbonated and non-carbonated soft drinks; syrups, namely, syrups for making beverages; soy-based beverages not being milk substitutes</p>
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U.S. Registration No.	3850126	Application Date	07/10/2006
Registration Date	09/21/2010	Foreign Priority Date	07/06/2006
Word Mark	JOE'S TASTY TRAVELS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 029. First use:</p> <p>Dairy based beverages; edible nuts, namely, candied nuts, shelled nuts, roasted nuts and processed nuts; processed salted, unsalted and flavored nuts; processed edible seeds; processed pumpkin and sunflower seeds; dried fruit, dried fruit mixes, dried fruit and nut mixes, and fruit chips; trail mixes containing dried fruits, seeds and nuts; preserved fruits; sugared fruits, namely, crystallized fruit and candied fruits; dried prunes, dates, raisins and coconut; glazed fruits, glazed cherries, jams and jellies; soup mixes; condiments, namely, pepper oil; sauces, namely, cranberry sauce; spreads, namely, cheese spreads, fruit-based spreads, hummus; dips, namely, bean dip, dairy-based dip, and snack dip; snack foods, namely, potato chips; baking goods, namely, fruit-based fillings for cakes and pies; unflavored and unsweetened gelatins; frozen entrees consisting primarily of meat, fish, poultry or vegetables; frozen vegetarian entrees; frozen fruits and vegetables; edible oils for human consumption; lentils; pulses; pickled fruits and vegetables; peanut butter and nut butters; soy-based foods, namely, soy-based chips, soy-based food bars, soy-based snack food</p>		

	<p>Class 030. First use:</p> <p>Coffee, coffee beans; coffee, espresso and cappuccino mixes containing coffee powder; loose and bagged black, green and herbal teas; chocolate covered nuts; confectionery, namely, chocolate and candy; spices and seasonings; condiments, namely, pepper sauce, ketchup, mustard, mayonnaise, relish; sauces, namely, chili sauce, hot sauce, dipping sauces, barbeque sauces, pizza sauce, fish sauce, tomato sauce, teriyaki sauce, soy sauce, tamari sauce, tartar sauce, steak sauce, and ready-made sauces; vinegar, salsa; uncooked pasta and noodles, including egg noodles; salad dressings, oil based salad dressings; spreads, namely, cocoa spreads and spreads containing chocolate and nuts; snack foods, namely, puffed corn snacks, sesame sticks, crackers, wafers, cheese flavored puffs, corn-based snacks, pretzels, cookies, biscuits, tortilla chips and corn chips; croutons; baking goods, namely, cake mixes, muffin mixes, brownie mixes, pastry mixes, chocolate chips, peanut butter confectionery chips, candy mints, baking powder, baking soda, crust mixes for pies, fruit jelly powders, graham cracker crumbs, corn starch, vanilla extract used as a flavoring, yeast, cocoa powder, flours, and white, brown and raw sugar and sugar substitutes; baking goods, namely, candy cake decorations; syrups, namely, corn syrups, maple syrups, pancake syrups, chocolate syrups; extracts, namely, natural and artificial extracts used as a flavoring; flavored and sweetened gelatins; marshmallows; popped and popping corn of various flavors, microwaveable popcorn, seasonings for popcorn; frozen entrees consisting primarily of pasta or rice; processed grains; processed cereals; rolled oats and oatmeal; wheat germ; rice; peanut brittle; honey; and graham crumbs</p> <p>Class 031. First use:</p> <p>Edible nuts, namely, fresh nuts, raw nuts and unprocessed nuts; unprocessed edible seeds; unprocessed grains</p> <p>Class 032. First use:</p> <p>Non-alcoholic beverages, namely, carbonated beverages, beverages containing fruit juice, low calorie soft drinks, non-alcoholic beverages with tea flavor, fruit juices, fruit drinks, vegetable juices, vegetable drinks, fruit and vegetable juices, fruit and vegetable drinks; beverage powders and crystals, namely, used in the preparation of fruit drinks; colas; sodas in the nature of soda water, and flavored soda water; carbonated and non-carbonated soft drinks; soy-based beverages not being milk substitutes</p>
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Attachments	77087980#TMSN.jpeg (1 page)(bytes) 78925445#TMSN.jpeg (1 page)(bytes) Opposition 77136731.pdf (17 pages)(79719 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/MariaJohnson/
Name	Maria Johnson
Date	05/31/2012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of

Application Serial No. : 77/136,731

Mark : TASTY TRAVELS

-----X
Downright Healthy Foods L.P., :
Opposer, :
v. :
Television Food Network et al, :
Applicant. :
-----X

NOTICE OF OPPOSITION

Opposer, Downright Healthy Foods L.P., a Canadian limited partnership located and doing business at 555 Steeprock Drive Toronto CANADA M5H 3Y2 ("Opposer"), believes that it would be damaged by the issuance of a registration for the trademark TASTY TRAVELS as applied for in Application Serial No. 77/136,731 by Television Food Network and therefore opposes the same. As grounds for its opposition, Opposer, by its attorneys De Novo Legal PC, alleges as follows:

1. Since at least as early as July 2006, and prior to any date upon which Applicant can rely, Opposer, through its predecessors and licensees, has used the logo mark JOE'S TASTY TRAVELS U.S. Reg. No. 3850126 in connection with a wide variety of food and beverage products in International Classes 029, 030, 031 and 032, and is continuing to do so. Furthermore, since at least as early as January 2007, and prior to any date upon which Applicant can rely, Opposer, through its predecessors and licensees, has used the word mark JOE'S TASTY TRAVELS U.S. Reg. No. 3765793 in connection with a wide variety of food and beverage products in International Classes 029, 030, 031 and 032, and is continuing to do so. Opposer has invested a substantial amount of time, effort and money in promoting Opposer's JOE'S TASTY

TRAVELS trademarks. As a result, Opposer's JOE'S TASTY TRAVELS trademark has become distinctive of Opposer's goods and has come to represent significant goodwill for Opposer.

2. Opposer owns Reg. No. 3,850,126 for JOE'S TASTY TRAVELS logo mark for "dairy based beverages; edible nuts, namely, candied nuts, shelled nuts, roasted nuts and processed nuts; processed salted, unsalted and flavored nuts; processed edible seeds; processed pumpkin and sunflower seeds; dried fruit, dried fruit mixes, dried fruit and nut mixes, and fruit chips; trail mixes containing dried fruits, seeds and nuts; preserved fruits; sugared fruits, namely, crystallized fruit and candied fruits; dried prunes, dates, raisins and coconut; glazed fruits, glazed cherries, jams and jellies; soup mixes; condiments, namely, pepper oil; sauces, namely, cranberry sauce; spreads, namely, cheese spreads, fruit-based spreads, vegetable-based spreads, meat-based spreads, garlic-based spreads, hummus; dips, namely, bean dip, dairy-based dip, and snack dip; snack foods, namely, potato chips; baking goods, namely, fruit-based fillings for cakes and pies; unflavored and unsweetened gelatins; frozen entrees consisting primarily of meat, fish, poultry or vegetables; frozen vegetarian entrees consisting primarily of vegetable-based entrees; frozen fruits and vegetables; prepared foods, namely, prepared vegetarian entrees consisting primarily of vegetable-based entrees, prepared entrees consisting primarily of fish, meat, poultry or vegetables; canned goods, namely, canned vegetables, canned fish, canned fruit, and canned cooked meat; edible oils for human consumption; dried lentils; pulses; pickled fruits and vegetables; peanut butter and nut butters; soy-based foods, namely, soy-based chips, soy-based food bars, soy-based snack food; bouillon cubes; fruit based snack food; potato chips; processed nuts, namely, salted, unsalted and flavored nuts" in Class 29, "coffee, coffee beans; coffee, espresso and cappuccino mixes containing coffee powder; loose and bagged black, green and herbal teas; chocolate covered nuts; confectionery, namely, chocolate and candy; spices and seasonings; condiments, namely, pepper sauce, ketchup, mustard, mayonnaise, relish; sauces, namely, chili sauce, hot sauce, dipping sauces, barbeque sauces, pizza sauce, fish sauce, tomato sauce, teriyaki sauce, soy sauce, tamari sauce, tartar sauce, steak sauce, and ready-made sauces; vinegar, salsa; uncooked pasta and noodles, including egg noodles; salad dressings, oil based salad dressings; spreads, namely, cocoa spreads and spreads containing chocolate and nuts; snack foods, namely, puffed corn snacks, sesame sticks, crackers, wafers, cheese flavored puffs, corn-based snacks, pretzels, cookies, biscuits, tortilla chips and corn chips; croutons; baking goods, namely, cake mixes, muffin mixes, brownie mixes, pastry mixes, chocolate chips, peanut butter confectionery chips, candy mints, baking powder, baking soda, crust mixes for pies, fruit jelly powders, graham cracker crumbs, corn starch, vanilla extract used as a flavoring, yeast, cocoa powder, flours, and white, brown and raw sugar and sugar substitutes; baking goods, namely, candy cake decorations; syrups, namely, corn syrups, maple syrups, pancake syrups, chocolate syrups; extracts, namely, natural and artificial extracts used as a flavoring; flavored and sweetened gelatins; marshmallows; popped and popping corn of various flavors, microwaveable popcorn, seasonings for popcorn; frozen entrees consisting primarily of

pasta or rice; processed grains; processed cereals; rolled oats and oatmeal; wheat germ; rice; peanut brittle; honey; and graham crumbs" in Class 30, "edible nuts, namely, fresh nuts, raw nuts and unprocessed nuts; unprocessed edible seeds; unprocessed grains" in Class 31 and "non-alcoholic beverages, namely, carbonated beverages, beverages containing fruit juice, low calorie soft drinks, non-alcoholic beverages with tea flavor, fruit juices, fruit drinks, vegetable juices, vegetable drinks, fruit and vegetable juices, fruit and vegetable drinks; beverage powders and crystals, namely, used in the preparation of fruit drinks; colas; sodas in the nature of soda water, and flavored soda water; carbonated and non-carbonated soft drinks; soy-based beverages not being milk substitutes" in Class 32 based on use in commerce since 2006.

3. A current printout of information from the electronic database records of the USPTO showing the current status and title of U.S. Registration No. 3,850,126 is attached hereto as Exhibit 1.

4. Opposer owns Reg. No. 3,765,793 for JOE'S TASTY TRAVELS word mark for "dairy based beverages; edible nuts, namely, candied nuts, shelled nuts, roasted nuts and processed nuts; processed salted, unsalted and flavored nuts; processed edible seeds; processed pumpkin and sunflower seeds; dried fruit, dried fruit mixes, dried fruit and nut mixes, and fruit chips; trail mixes containing dried fruits, seeds and nuts; preserved fruits; sugared fruits, namely, crystallized fruit and candied fruits; dried prunes, dates, raisins and coconut; glazed fruits, glazed cherries, jams and jellies; soup mixes; condiments, namely, pepper oil; sauces, namely, cranberry sauce; spreads, namely, cheese spreads, fruit-based spreads, vegetable-based spreads, meat-based spreads, garlic-based spreads, hummus; dips, namely, bean dip, dairy-based dip, and snack dip; snack foods, namely, potato chips; baking goods, namely, fruit-based fillings for cakes and pies; unflavored and unsweetened gelatins; frozen entrees consisting primarily of meat, fish, poultry or vegetables; frozen vegetarian entrees consisting primarily of vegetable-based entrees; frozen fruits and vegetables; prepared foods, namely, prepared vegetarian entrees consisting primarily of vegetable-based entrees, prepared entrees consisting primarily of fish, meat, poultry or vegetables; canned goods, namely, canned vegetables, canned fish, canned fruit, and canned cooked meat; edible oils for human consumption; dried lentils; pulses; pickled fruits and vegetables; peanut butter and nut butters; soy-based foods, namely, soy-based chips, soy-based food bars, soy-based snack food; bouillon cubes; fruit based snack food; potato chips; processed nuts, namely, salted, unsalted and flavored nuts" in Class 29 and "tea-based beverages with fruit flavoring; coffee, coffee beans; coffee, espresso and cappuccino mixes containing coffee powder; loose and bagged black, green and herbal teas; chocolate covered nuts; confectionery, namely, chocolate and candy; spices and seasonings; condiments, namely, pepper sauce, ketchup, mustard, mayonnaise, relish; sauces, namely, chili sauce, hot sauce, dipping sauces, barbeque sauces, pizza sauce, fish sauce, tomato sauce, teriyaki sauce, soy sauce, tamari sauce, tartar sauce, steak sauce, and ready-made sauces; vinegar, salsa; uncooked pasta and noodles, including egg noodles; salad dressings; spreads, namely, cocoa spreads and spreads containing chocolate and nuts; snack foods, namely, puffed corn snacks, sesame sticks,

crackers, wafers, cheese flavored puffs, corn-based snacks, pretzels, cookies, biscuits, tortilla chips and corn chips; croutons; baking goods, namely, cake mixes, muffin mixes, brownie mixes, pastry mixes, chocolate chips, peanut butter confectionery chips, candy mints, baking powder, baking soda, crust mixes for pies, fruit jelly powders, graham cracker crumbs, corn starch, vanilla extracts used as a flavoring, yeast, cocoa powder, flours, and white, brown and raw sugar and sugar substitutes; baking goods, namely, candy cake decorations; syrups, namely, corn syrups, maple syrups, pancake syrups, table syrups, topping syrups, molasses, flavoring syrups, chocolate syrups; extracts, namely, natural and artificial extracts used as a flavoring; flavored and sweetened gelatins; marshmallows; popped and popping corn of various flavors, microwaveable popcorn, seasonings for popcorn; frozen entrees consisting primarily of pasta or rice; processed grains; processed cereals; rolled oats and oatmeal; wheat germ; rice; peanut brittle; honey. bread crumbs and graham crumbs; ready to eat cereals; cereal derived food bars; gravy mixes and bases; cereal based snack food; wheat based snack food; rice based snack food" in Class 30, "edible nuts, namely, fresh nuts, raw nuts and unprocessed nuts; unprocessed edible seeds; unprocessed grains; unprocessed cereals; fresh lentils" in Class 31 and "non-alcoholic beverages, namely, carbonated beverages, beverages containing fruit juice, low calorie soft drinks, non-alcoholic beverages with tea flavor, fruit juices, fruit drinks, vegetable juices, vegetable drinks, fruit and vegetable juices, fruit and vegetable drinks; beverage powders and crystals, namely, used in the preparation of fruit drinks; colas; sodas in the nature of soda water, and flavored soda water; carbonated and non-carbonated soft drinks; syrups, namely, syrups for making beverages; soy-based beverages not being milk substitutes" in Class 32 based on use in commerce since 2007.

5. A current printout of information from the electronic database records of the USPTO showing the current status and title of U.S. Registration No. 3,765,793 is attached hereto as Exhibit 2.

6. On March 27, 2007, Applicant filed the application at issue to register the mark TASTY TRAVELS, in Class 41 for "entertainment services in the nature of an on-going program in the fields of travel and food, broadcast over television, via satellite, and through other audiovisual media."

7. Applicant is applying under a 1B basis and therefore has no date of first use in commerce and therefore cannot claim to have significant time or money invested in the use of this mark.

8. The mark that Applicant seeks to register is similar in sound, meaning and commercial impression to Opposer's JOE'S TASTY TRAVELS trademarks and will be used to identify and promote goods in identical channels to those for which Opposer uses its JOE'S TASTY TRAVELS trademark. Based on the similarity of the marks and the identity of the goods, the public is likely to associate the goods sold/services promoted by Applicant under the mark TASTY TRAVELS with Opposer or with Opposer's

goods, or to believe that Applicant's goods are sponsored, endorsed or licensed by Opposer, or that there is some relationship between Applicant and Opposer.

9. For the above reasons, any use of the mark TASTY TRAVELS by Applicant in any entertainment services in the nature of an on-going program in the fields of travel and food, broadcast over television, via satellite, and through other audiovisual media is likely to cause confusion, cause mistake or deceive the public, and cause the public to believe that the goods promoted under the TASTY TRAVELS mark emanate from or are otherwise sponsored by or endorsed by Opposer, in violation of Section 2(d) of the Lanham Act, 15 U.S.c. § 1052(d).

By reason of the foregoing, Opposer will be damaged by the registration of the mark TASTY TRAVELS to Applicant.

WHEREFORE, it is respectfully requested that this opposition be sustained and that the registration sought by Application Serial No. 77/136,731 be denied.

Dated: May 30, 2012

Respectfully submitted,

DE NOVO LEGAL PC

By:

A handwritten signature in black ink, appearing to be 'MJ' followed by a long horizontal line.

Maria Johnson

(Attorneys for Opposer)

2244 Faraday Avenue, Suite 103
Carlsbad, CA 92008
(760) 431-8707

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2012-05-22 21:00:13 ET

Serial Number: 78925445 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 3850126

Mark



(words only): JOE'S TASTY TRAVELS

Standard Character claim: No

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2010-09-21

Filing Date: 2006-07-10

Transformed into a National Application: No

Registration Date: 2010-09-21

Register: Principal

Law Office Assigned: LAW OFFICE 113

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2010-09-21

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. [Downright Healthy Foods L.P.](#)

Composed Of:

Tourmaline General Partner Inc., a Canadian corporation

Address:

Downright Healthy Foods L.P.

555 Steeprock Drive

Toronto M5H 3Y2

Canada

Legal Entity Type: Limited Partnership

State or Country Where Organized: Canada

GOODS AND/OR SERVICES

International Class: 029

Class Status: Active

Dairy based beverages; edible nuts, namely, candied nuts, shelled nuts, roasted nuts and processed nuts; processed salted, unsalted and flavored nuts; processed edible seeds; processed pumpkin and sunflower seeds; dried fruit, dried fruit mixes, dried fruit and nut mixes, and fruit chips; trail mixes containing dried fruits, seeds and nuts; preserved fruits; sugared fruits, namely, crystallized fruit and candied fruits; dried prunes, dates, raisins and coconut; glazed fruits, glazed cherries, jams and jellies; soup mixes; condiments, namely, pepper oil; sauces, namely, cranberry sauce; spreads, namely, cheese spreads, fruit-based spreads, hummus; dips, namely, bean dip, dairy-based dip, and snack dip; snack foods, namely, potato chips; baking goods, namely, fruit-based fillings for cakes and pies; unflavored and unsweetened gelatins; frozen entrees consisting primarily of meat, fish, poultry or vegetables; frozen vegetarian entrees; frozen fruits and vegetables; edible oils for human consumption; lentils; pulses; pickled fruits and vegetables; peanut butter and nut butters; soy-based foods, namely, soy-based chips, soy-based food bars, soy-based snack food

Basis: 44(e)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 030

Class Status: Active

Coffee, coffee beans; coffee, espresso and cappuccino mixes containing coffee powder; loose and bagged black, green and herbal teas; chocolate covered nuts; confectionery, namely, chocolate and candy; spices and seasonings; condiments, namely, pepper sauce, ketchup, mustard, mayonnaise, relish; sauces, namely, chili sauce, hot sauce, dipping sauces, barbeque sauces, pizza sauce, fish sauce, tomato sauce, teriyaki sauce, soy sauce, tamari sauce, tartar sauce, steak sauce, and ready-made sauces; vinegar, salsa; uncooked pasta and noodles, including egg noodles; salad dressings, oil based salad dressings; spreads, namely, cocoa spreads and spreads containing chocolate and nuts; snack foods, namely, puffed corn snacks, sesame sticks, crackers, wafers, cheese flavored puffs, corn-based snacks, pretzels, cookies, biscuits, tortilla chips and corn chips; croutons; baking goods, namely, cake mixes, muffin mixes, brownie mixes, pastry mixes, chocolate chips, peanut butter confectionery chips, candy mints, baking powder, baking soda, crust mixes for pies, fruit jelly powders, graham cracker crumbs, corn starch, vanilla extract used as a flavoring, yeast, cocoa powder, flours, and white, brown and raw sugar and sugar substitutes; baking goods, namely, candy cake decorations; syrups, namely, corn syrups, maple syrups, pancake syrups, chocolate syrups; extracts, namely, natural and artificial extracts used as a flavoring; flavored and sweetened gelatins; marshmallows; popped and popping corn of various flavors, microwaveable popcorn, seasonings for popcorn; frozen entrees consisting primarily of pasta or rice; processed grains; processed cereals; rolled oats and oatmeal; wheat germ; rice; peanut brittle; honey; and graham crumbs

Basis: 44(e)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 031

Class Status: Active

Edible nuts, namely, fresh nuts, raw nuts and unprocessed nuts; unprocessed edible seeds; unprocessed grains

Basis: 44(e)

First Use Date: [\(DATE NOT AVAILABLE\)](#)

First Use in Commerce Date: [\(DATE NOT AVAILABLE\)](#)

International Class: [032](#)

Class Status: [Active](#)

[Non-alcoholic beverages, namely, carbonated beverages, beverages containing fruit juice, low calorie soft drinks, non-alcoholic beverages with tea flavor, fruit juices, fruit drinks, vegetable juices, vegetable drinks, fruit and vegetable juices, fruit and vegetable drinks; beverage powders and crystals, namely, used in the preparation of fruit drinks; colas; sodas in the nature of soda water, and flavored soda water; carbonated and non-carbonated soft drinks; soy-based beverages not being milk substitutes](#)

Basis: [44\(e\)](#)

First Use Date: [\(DATE NOT AVAILABLE\)](#)

First Use in Commerce Date: [\(DATE NOT AVAILABLE\)](#)

ADDITIONAL INFORMATION

Color(s) Claimed: [Color is not claimed as a feature of the mark.](#)

Name Portrait Consent: [The name\(s\), portrait\(s\), and/or signature\(s\) shown in the mark does not identify a particular living individual.](#)

Design Search Code(s):

[02.01.01](#) - Busts of men facing forward; Heads of men facing forward; Men - heads, portraiture, or busts facing forward; Portraiture of men facing forward

[02.01.31](#) - Men, stylized, including men depicted in caricature form

[09.05.05](#) - Sombreros, cowboy hats (10 gallon hats), other broad-brimmed hats

Foreign Application Number: [1308010](#)

Foreign Registration Number: [TMA743305](#)

Foreign Registration Date: [2009-07-10](#)

Country: [Canada](#)

Foreign Filing Date: [2006-07-06](#)

Foreign Expiration Date: [2024-07-20](#)

MADRID PROTOCOL INFORMATION

[\(NOT AVAILABLE\)](#)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

[2010-09-21 - Registered - Principal Register](#)

[2010-08-12 - 1\(B\) Basis Deleted; New Basis Requested](#)

[2010-08-05 - Notice Of Allowance Cancelled](#)

[2010-08-11 - Petition To Director - Change Basis - Granted](#)

2010-08-10 - Assigned To Petition Staff

2010-08-05 - TEAS Petition To Amend Basis Received

2010-06-01 - NOA Mailed - SOU Required From Applicant

2010-03-09 - Official Gazette Publication Confirmation E-Mailed

2010-03-09 - Published for opposition

2010-02-02 - Law Office Publication Review Completed

2010-02-01 - Approved For Pub - Principal Register

2010-02-01 - Examiner's Amendment Entered

2010-02-01 - Notification Of Examiners Amendment E-Mailed

2010-02-01 - EXAMINERS AMENDMENT E-MAILED

2010-02-01 - Examiners Amendment -Written

2010-02-01 - Previous Allowance Count Withdrawn

2010-01-29 - Withdrawn From Pub - Og Review Query

2010-01-19 - Law Office Publication Review Completed

2010-01-18 - Approved For Pub - Principal Register

2010-01-12 - Data Modification Completed

2009-12-30 - Teas/Email Correspondence Entered

2009-12-30 - Communication received from applicant

2009-12-30 - TEAS Response to Office Action Received

2009-08-29 - Notification Of Non-Final Action E-Mailed

2009-08-29 - NON-FINAL ACTION E-MAILED

2009-08-29 - Non-Final Action Written

2009-08-11 - Teas/Email Correspondence Entered

2009-08-11 - Communication received from applicant

2009-08-11 - TEAS Response To Suspension Inquiry Received

2009-02-14 - Notification Of Inquiry As To Suspension E-Mailed

2009-02-14 - INQUIRY TO SUSPENSION E-MAILED

2009-02-14 - Suspension Inquiry Written

2009-02-11 - LIE Checked Susp - To Atty For Action

2008-08-07 - Notification Of Letter Of Suspension E-Mailed

2008-08-07 - LETTER OF SUSPENSION E-MAILED

2008-08-07 - Suspension Letter Written

2008-07-31 - Teas/Email Correspondence Entered

2008-07-31 - Communication received from applicant

2008-07-20 - Assigned To LIE

2008-07-17 - TEAS Response To Suspension Inquiry Received

2008-01-18 - Notification Of Inquiry As To Suspension E-Mailed

2008-01-18 - INQUIRY TO SUSPENSION E-MAILED

2008-01-18 - Suspension Inquiry Written

2008-01-17 - LIE Checked Susp - To Atty For Action

2007-09-27 - TEAS Change Of Correspondence Received

2007-07-12 - Notification Of Letter Of Suspension E-Mailed

2007-07-12 - LETTER OF SUSPENSION E-MAILED

2007-07-12 - Suspension Letter Written

2007-07-12 - Examiner's Amendment Entered

2007-07-12 - Notification Of Examiners Amendment E-Mailed

2007-07-12 - EXAMINERS AMENDMENT E-MAILED

2007-07-12 - Examiners Amendment -Written

2007-06-22 - Teas/Email Correspondence Entered

2007-06-22 - Communication received from applicant

2007-06-22 - Assigned To LIE

2007-06-11 - TEAS Response to Office Action Received

2006-12-12 - Non-final action e-mailed

2006-12-12 - Non-Final Action Written

2006-12-08 - Assigned To Examiner

2006-07-14 - Notice Of Design Search Code Mailed

2006-07-13 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

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Correspondent

James R. Menker

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PO Box 331937

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Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2012-05-22 21:01:49 ET

Serial Number: 77087980 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 3765793

Mark

JOE'S TASTY TRAVELS

(words only): [JOE'S TASTY TRAVELS](#)

Standard Character claim: [Yes](#)

Current Status: [Registered](#). The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: [2010-03-30](#)

Filing Date: [2007-01-22](#)

Transformed into a National Application: [No](#)

Registration Date: [2010-03-30](#)

Register: [Principal](#)

Law Office Assigned: [LAW OFFICE 109](#)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: [650 -Publication And Issue Section](#)

Date In Location: [2010-03-30](#)

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. [Downright Healthy Foods L.P.](#)

Address:

Downright Healthy Foods L.P.
555 Steeprock Drive
Toronto M3J2Z6
Canada

Legal Entity Type: Limited Partnership**State or Country Where Organized:** Canada

GOODS AND/OR SERVICES

International Class: 029**Class Status:** Active

dairy based beverages; edible nuts, namely, candied nuts, shelled nuts, roasted nuts and processed nuts; processed salted, unsalted and flavored nuts; processed edible seeds; processed pumpkin and sunflower seeds; dried fruit, dried fruit mixes, dried fruit and nut mixes, and fruit chips; trail mixes containing dried fruits, seeds and nuts; preserved fruits; sugared fruits, namely, crystallized fruit and candied fruits; dried prunes, dates, raisins and coconut; glazed fruits, glazed cherries, jams and jellies; soup mixes; condiments, namely, pepper oil; sauces, namely, cranberry sauce; spreads, namely, cheese spreads, fruit-based spreads, vegetable-based spreads, meat-based spreads, garlic-based spreads, hummus; dips, namely, bean dip, dairy-based dip, and snack dip; snack foods, namely, potato chips; baking goods, namely, fruit-based fillings for cakes and pies; unflavored and unsweetened gelatins; frozen entrees consisting primarily of meat, fish, poultry or vegetables; frozen vegetarian entrees consisting primarily of vegetable-based entrees; frozen fruits and vegetables; prepared foods, namely, prepared vegetarian entrees consisting primarily of vegetable-based entrees, prepared entrees consisting primarily of fish, meat, poultry or vegetables; canned goods, namely, canned vegetables, canned fish, canned fruit, and canned cooked meat; edible oils for human consumption; dried lentils; pulses; pickled fruits and vegetables; peanut butter and nut butters; soy-based foods, namely, soy-based chips, soy-based food bars, soy-based snack food; bouillon cubes; fruit based snack food; potato chips; processed nuts, namely, salted, unsalted and flavored nuts

Basis: 44(e)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)**International Class:** 030**Class Status:** Active

Tea-based beverages with fruit flavoring; coffee, coffee beans; coffee, espresso and cappuccino mixes containing coffee powder; loose and bagged black, green and herbal teas; chocolate covered nuts; confectionery, namely, chocolate and candy; spices and seasonings; condiments, namely, pepper sauce, ketchup, mustard, mayonnaise, relish; sauces, namely, chili sauce, hot sauce, dipping sauces, barbeque sauces, pizza sauce, fish sauce, tomato sauce, teriyaki sauce, soy sauce, tamari sauce, tartar sauce, steak sauce, and ready-made sauces; vinegar, salsa; uncooked pasta and noodles, including egg noodles; salad dressings; spreads, namely, cocoa spreads and spreads containing chocolate and nuts; snack foods, namely, puffed corn snacks, sesame sticks, crackers, wafers, cheese flavored puffs, corn-based snacks, pretzels, cookies, biscuits, tortilla chips and corn chips; croutons; baking goods, namely, cake mixes, muffin mixes, brownie mixes, pastry mixes, chocolate chips, peanut butter confectionery chips, candy mints, baking powder, baking soda, crust mixes for pies, fruit jelly powders, graham cracker crumbs, corn starch, vanilla extracts used as a flavoring, yeast, cocoa powder, flours, and white, brown and raw sugar and sugar substitutes; baking goods, namely, candy cake decorations; syrups, namely, corn syrups, maple syrups, pancake syrups, table syrups, topping syrups, molasses, flavoring syrups, chocolate syrups; extracts, namely, natural and artificial extracts used as a flavoring; flavored and sweetened gelatins; marshmallows; popped and popping corn of various flavors, microwaveable popcorn, seasonings for popcorn; frozen entrees consisting primarily of pasta or rice; processed grains; processed cereals; rolled oats and oatmeal; wheat germ; rice; peanut brittle; honey; bread crumbs and graham crumbs; ready to eat cereals; cereal derived food bars; gravy mixes and bases; cereal based snack food; wheat based snack food; rice based snack food

Basis: 44(e)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)**International Class:** 031**Class Status:** Active

Edible nuts, namely, fresh nuts, raw nuts and unprocessed nuts; unprocessed edible seeds; unprocessed grains; unprocessed cereals; fresh lentils

Basis: [44\(e\)](#)

First Use Date: [\(DATE NOT AVAILABLE\)](#)

First Use in Commerce Date: [\(DATE NOT AVAILABLE\)](#)

International Class: [032](#)

Class Status: [Active](#)

[Non-alcoholic beverages, namely, carbonated beverages, beverages containing fruit juice, low calorie soft drinks, non-alcoholic beverages with tea flavor, fruit juices, fruit drinks, vegetable juices, vegetable drinks, fruit and vegetable juices, fruit and vegetable drinks; beverage powders and crystals, namely, used in the preparation of fruit drinks; colas; sodas in the nature of soda water, and flavored soda water; carbonated and non-carbonated soft drinks; syrups, namely, syrups for making beverages; soy-based beverages not being milk substitutes](#)

Basis: [44\(e\)](#)

First Use Date: [\(DATE NOT AVAILABLE\)](#)

First Use in Commerce Date: [\(DATE NOT AVAILABLE\)](#)

ADDITIONAL INFORMATION

Foreign Application Number: [1331245](#)

Foreign Registration Number: [TMA740,246](#)

Foreign Registration Date: [2009-05-14](#)

Country: [Canada](#)

Foreign Filing Date: [2007-01-12](#)

Foreign Expiration Date: [2024-05-14](#)

MADRID PROTOCOL INFORMATION

[\(NOT AVAILABLE\)](#)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

[2010-03-30 - Registered - Principal Register](#)

[2010-02-18 - TTAB Release Case To Trademarks](#)

[2010-02-18 - Opposition terminated for Proceeding](#)

[2010-02-18 - Opposition dismissed for Proceeding](#)

[2009-11-10 - Opposition instituted for Proceeding](#)

[2009-11-10 - Opposition papers filed](#)

[2009-11-10 - Official Gazette Publication Confirmation E-Mailed](#)

[2009-11-10 - Published for opposition](#)

2009-10-06 - Law Office Publication Review Completed

2009-10-05 - Approved for Pub - Principal Register (Initial exam)

2009-10-05 - Examiner's Amendment Entered

2009-10-05 - Notification Of Examiners Amendment E-Mailed

2009-10-05 - EXAMINERS AMENDMENT E-MAILED

2009-10-05 - Examiners Amendment -Written

2009-10-05 - Previous Allowance Count Withdrawn

2009-09-18 - Withdrawn From Pub - Og Review Query

2009-09-08 - Law Office Publication Review Completed

2009-09-05 - Assigned To LIE

2009-09-01 - Approved for Pub - Principal Register (Initial exam)

2009-09-01 - Examiner's Amendment Entered

2009-09-01 - Notification Of Examiners Amendment E-Mailed

2009-09-01 - EXAMINERS AMENDMENT E-MAILED

2009-09-01 - Examiners Amendment -Written

2009-08-31 - Previous Allowance Count Withdrawn

2009-08-10 - Withdrawn From Pub - Og Review Query

2009-07-24 - Law Office Publication Review Completed

2009-07-24 - Approved for Pub - Principal Register (Initial exam)

2009-07-23 - Teas/Email Correspondence Entered

2009-07-23 - Communication received from applicant

2009-07-23 - TEAS Response To Suspension Inquiry Received

2009-04-27 - Notification Of Inquiry As To Suspension E-Mailed

2009-04-27 - INQUIRY TO SUSPENSION E-MAILED

2009-04-27 - Suspension Inquiry Written

2008-10-27 - Notification Of Letter Of Suspension E-Mailed

2008-10-27 - LETTER OF SUSPENSION E-MAILED

2008-10-27 - Suspension Letter Written

2008-10-25 - Teas/Email Correspondence Entered

2008-10-25 - Communication received from applicant

2008-10-24 - TEAS Response To Suspension Inquiry Received

2008-05-06 - Notification Of Inquiry As To Suspension E-Mailed

2008-05-06 - INQUIRY TO SUSPENSION E-MAILED

2008-05-06 - Suspension Inquiry Written

2008-05-06 - Assigned To LIE

2007-11-06 - Notification Of Letter Of Suspension E-Mailed

2007-11-06 - LETTER OF SUSPENSION E-MAILED

2007-11-06 - Suspension Letter Written

2007-11-06 - Examiner's Amendment Entered

2007-11-06 - Notification Of Examiners Amendment E-Mailed

2007-11-06 - EXAMINERS AMENDMENT E-MAILED

2007-11-06 - Examiners Amendment -Written

2007-11-05 - Teas/Email Correspondence Entered

2007-11-05 - Communication received from applicant

2007-11-05 - TEAS Response to Office Action Received

2007-09-27 - TEAS Change Of Correspondence Received

2007-05-07 - Non-final action e-mailed

[2007-05-07 - Non-Final Action Written](#)

[2007-05-07 - Assigned To Examiner](#)

[2007-01-25 - New Application Entered In Tram](#)

ATTORNEY/CORRESPONDENT INFORMATION

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